

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2005 Division: Growth Management

Bulk Item: Yes ☐ No ☒ Department: Planning and Environmental Res.

Staff Contact Person: Ronda Norman & Jerry D. Sanders, Esq.

AGENDA ITEM WORDING:

A public hearing on an Ordinance (i) revising Sections 9.5-4 and 9.5-266 regarding inclusionary housing requirements; (ii) providing for regulations regarding multi-unit development and redevelopment and mobile home conversions; and (iii) amending definitions

(Only one public hearing required)

ITEM BACKGROUND:

During a regularly scheduled meeting held on June 9, 2005, the Development Review Committee recommended approval of the proposed amendments to the Planning Commission. These amendments were also discussed at the Planning Commission hearings on June 22, 2005, July 13 and July 27, 2005, September 14 and September 28, 2005, October 2, 2005, December 7 and December 20, 2005, January 11 and January 25, 2006, February 8 and February 22, 2006, on March 22, 2006 at the Planning Commission meeting in Key Largo, and at a Workforce Housing Task Force meeting with the Planning Commission held on March 8, 2006. This amendment is scheduled to be heard by the Planning Commission at the regular public meeting scheduled for April 12, 2006 at 10 a.m. in Marathon for consideration and recommendation to the BOCC. The Planning Commission at its March 8th meeting recommended a deed restriction period [(Section 9.5-266(b)(5)(c)3. (page 8)] of 30 years. Staff presents alternatives to the BOCC of 30, 50 and 99 years for consideration. Additionally, alternatives are presented for square footage minimums [Section 9.5-266(b)(5)(c)7. (page 8)] of 700 or 750 square feet.

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A **BUDGETED:** Yes ☐ No ☐

COST TO COUNTY: N/A **SOURCE OF FUNDS:** _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty ☒ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: _____

Ronda Norman

DOCUMENTATION: Included ☒ Not Required _____

DISPOSITION: _____ **AGENDA ITEM #** _____

ORDINANCE NO. ____ - 2006

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS TO REVISE SECTIONS 9.5-4 AND 9.5-266 REGARDING INCLUSIONARY HOUSING REQUIREMENTS; PROVIDING FOR REGULATIONS REGARDING MULTI-UNIT DEVELOPMENT AND REDEVELOPMENT AND MOBILE HOME CONVERSIONS; AMENDING DEFINITIONS; AMENDING AND/OR ADDING FOR CONSISTENCY PURPOSES RELATED PROVISIONS; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING EFFECTIVE DATE; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES

WHEREAS, the Monroe County Board of County Commissioners (BOCC), during various public hearings, has reviewed and considered the proposed amendments to the Land Development Regulations (LDRs), comments of the public, recommendations of the Planning Commission, recommendations of staff and the Workforce Housing Task Force and its counsel, and other matters; and

WHEREAS, the BOCC hereby makes the following Findings of Fact:

1. Monroe County and its municipalities have a mutual interest in preserving and providing affordable housing countywide.
2. The residents of Monroe County commute between the municipalities and the unincorporated areas of Monroe County for housing and employment.
3. The local economy is predominantly dedicated to the tourism industry, which depends on the availability of a workforce that has access to affordable and adequate housing.
4. The lack of sufficient affordable housing opportunities for the local workforce creates serious risks to the local economy.
5. The median sales price of single-family homes countywide increased between 145% and 192% from 2000 to 2005.
6. The median household income increased by less than 19% over this same period of time.
7. Median gross rent countywide increased by 46% between 1990 and 2000.
8. Even moderate income households (those earning from 120-160% of the County median income) are in need of affordable housing.
9. The existing inventory of housing that is affordable to residents of the County is at serious risk due to conversions to market rate, second home, and high-end

housing.

10. The median sales price of non-waterfront housing has increased by almost 40% since 2003.

11. Mobile homes comprise approximately 20.6% of the housing units in the Keys.

12. The median sales price of non-waterfront mobile homes in the Keys has increased by 30% since 2003.

13. Mobile homes represent the least expensive housing type and therefore the housing type most available to the critical workforce and County residents at median and moderate income levels.

14. 42% of non-waterfront mobile homes currently are valued at prices accessible to moderate and median-income residents.

15. The implementation of this Ordinance will protect this segment of the housing stock available to moderate and median-income residents and critical workforce.

16. The requirements set forth herein are economically feasible and require property owners to mitigate only a portion of the impact that regulated development activities will have on the County's affordable housing shortage, and provisions contained in the proposed ordinances provide property owners and developers with means and opportunities to demonstrate situations where requirements are not economically feasible or present undue hardship.

17. The amendments proposed herein permit replacement of existing mobile homes and preservation of permitted mobile home uses consistent with existing safety and building code regulations.

18. The amendments set forth herein will facilitate and encourage development that includes a range of housing opportunities through a variety of residential types, increase affordable housing opportunities within the County, and stimulate the provision and preservation of affordable housing within the County.

19. There is limited land area suitable for residential development remaining in the County.

20. Due to state-imposed requirements related to hurricane evacuation standards, there are a limited number of residential building permits available on an annual basis.

21. Requiring certain residential development and redevelopment projects to include an affordable housing component is a legitimate state interest and is necessary to implement Goal 601 of the plan (e.g., Policy 601.1.12; Objectives 601.2 and 601.6).

22. The unmitigated development of market-rate housing and conversion from existing mobile home use would exacerbate affordable housing options for the County by consuming the limited remaining developable lands in the Keys and the limited number of development permits available.

23. All set-asides for existing mobile home developments that are otherwise amenable to conversion from established uses is in the public interest in preserving the County's existing affordable housing stock.

24. There is a current unmet need of about 7,317 affordable units in the County.

25. These amendments to the land development regulations specifically further Fla. Stat. § 163.3202(3) by implementing innovative land development regulation provisions such as transfer of development rights, incentive and inclusionary housing.

26. These amendments to the land development regulations are necessary to ensure that, despite the limited availability of developable lands, the County's existing and future housing stock includes adequate affordable housing opportunities.

27. The proposed amendments to the Land Development Regulations are consistent with and further goals, objectives and policies of the Year 2010 Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THE FOLLOWING:

Section 1.

Amend Sec. 9.5-4(A-5)(a) as follows:

a) Generally, *affordable housing* for a rental dwelling unit shall mean a dwelling unit whose monthly rent, not including utilities, does not exceed thirty (30) percent of that amount which represents either fifty (50) (very low income) or eighty (80) (low income) or one hundred (100) (median income) or one hundred twenty (120) (moderate income) percent of the monthly median adjusted household income for Monroe County.

Section 2.

Amend Sec. 9.5-4(A-5)(e) as follows:

e) *Affordable rental housing, moderate income* shall mean a dwelling unit whose monthly rent, not including utilities, does not exceed thirty (30) percent of the amount which represents one hundred twenty (120) percent of the monthly median adjusted household income for Monroe County.

Section 3.

Amend Sec. 9.5-4(A-5)(i) as follows:

i) *Affordable housing owner occupied moderate income* shall mean a dwelling unit occupied only by a household whose total household income does not exceed one hundred sixty (160) percent of the median monthly household income for Monroe County.

Section 4.

Amend Sec. 9.5-4(A-5)(j) as follows:

j) *Affordable housing trust fund* shall mean a trust fund established and maintained by the county for the purpose of preserving existing and promoting creation of new affordable and employee housing. Funds collected for and deposited in the trust fund shall be used exclusively for purposes of creating, preserving or maintaining affordable and employee housing in the Florida Keys.

Section 5.

Amend Sec. 9.5-4(A-5) to add (m) as follows:

m) *Inclusionary housing* shall mean the resulting affordable and/or employee housing created or preserved with the development and/or redevelopment of a parcel or parcels where provisions of approved development agreements or orders implement and promote affordable and/or employee housing goals, objectives and policies contained in the Plan by requiring set-asides for affordable and/or employee housing units.

Section 6.

Repeal Sec. 9.5-266(b) and replace with the following:

(b) *Inclusionary housing requirements.*

- (1) *Purpose and intent.* The purpose of this subsection (b), consistent with Goal 601 of the plan, is to ensure that the need for affordable housing is not exacerbated by new residential development and redevelopment of existing affordable housing stock. The intent of this subsection is to protect the existing affordable housing stock, to permit owners of mobile homes and mobile home spaces to continue established mobile home uses consistent with current building and safety standards and regulations and to ensure that, as residential development, redevelopment and mobile home conversions occur, plan policies regarding affordable housing are implemented.
- (2) *Applicability.* Except as provided in subsection (b)(3), the inclusionary housing requirements set forth below shall apply. Determinations regarding the applicability of this subsection shall be made by the planning director. For purposes of calculating the number of affordable units required by this subsection, density bonuses shall not be counted and only fractional requirements equal to or greater than .5 shall be rounded up to the nearest whole number.
 - a. Residential developments that result in the development or redevelopment of three (3) or more dwelling units on a parcel or contiguous parcels shall be required to develop or redevelop at least thirty (30) percent of the residential units as affordable housing units. Residential development or redevelopment of three (3) units on a parcel or contiguous parcels shall require that one (1) developed or redeveloped unit be an affordable housing unit. For the purpose of this Section, and notwithstanding Section

9.5-266(b)(2)b, any dwelling unit exceeding the number of lawfully established dwelling units on site, which are created by either a TRE or ROGO allocation award, shall be considered 'developed units'.

- b. The removal and replacement with other types of dwelling units of ten (10) or more mobile homes which are located on a parcel or contiguous parcels and/or the conversion of mobile home spaces located on a parcel or contiguous parcels into a use other than mobile homes shall be required to include in the development or redevelopment a number of affordable housing units equal to at least thirty (30) percent of the number of existing units being removed and replaced or converted from mobile home use or, in the event the new use is nonresidential, to develop affordable housing units at least equal in number to thirty (30) percent of the number of mobile homes or mobile home spaces being converted to other than mobile home use. Removal and replacement or conversion to a different use of ten (10) mobile homes or mobile home spaces on a parcel or contiguous parcels shall require that three (3) units be replaced or converted to deed-restricted affordable housing.
- c. In calculating the number of affordable housing units required for a particular project, or phase of a project, all dwelling units proposed for development or redevelopment or mobile homes or mobile home spaces to be converted from mobile home use since the effective date of this subparagraph 9.5-266(b) shall be counted. In phased projects, the affordable housing requirements shall be proportionally allocated among the phases. If a subsequent development or redevelopment is proposed following a prior development approved on the same property as it existed as of the effective date of this subparagraph 9.5-266(b), which prior development did not meet the compliance thresholds set forth in a. or b. above, the requirements of a. or b. shall be met as part of the subsequent development for all units proposed for development or redevelopment after the effective date of this subsection (b).
- d. For purposes of this section, the removal, replacement or conversion of dwelling units or mobile home or mobile home spaces on a parcel or contiguous parcels, within a thirteen (13) month period, shall require compliance with the affordable housing requirements set forth herein.

(3) *Exemptions and waivers.*

- a. The following uses shall be exempt from the inclusionary housing requirements set forth in subsection (b)(2)a.: affordable housing, employee housing, nursing homes, or assisted care living facilities.
- b. The board of county commissioners may reduce, adjust, or waive the requirements set forth in this subsection (b) where, based on specific

findings of fact, the board concludes, with respect to any developer or property owner, that:

1. strict application of the requirements would produce a result inconsistent with the plan or the purpose and intent of this subsection; or
 2. due to the nature of the proposed residential development, the development furthers plan policies and the purpose and intent of this subsection through means other than strict compliance with the requirements set forth herein; or
 3. the developer or property owner demonstrates an absence of any reasonable relationship between the impact of the proposed residential development and requirements of this subsection (b); or
 4. the strict application with the requirements set forth herein would improperly deprive or deny the developer or property owner of constitutional or statutory rights.
- c. Any developer or property owner who believes that he or she may be eligible for relief from the strict application of this section may petition the board of county commissioners for relief under this subsection (3)(b). Any petitioner for relief hereunder shall provide evidentiary and legal justification for any reduction, adjustment or waiver of any requirements under this section.

(4) *Alternative compliance.*

- a. *In-lieu fees.* The developer of a project subject to the requirements of this subparagraph 9.5-266(b) may contribute a fee in-lieu of the inclusionary housing requirements for all or a percentage of the affordable housing units required by subsection (b)(2). The developer shall pay per unit in-lieu fees the current maximum sales price for a one-bedroom affordable unit as established under section 9.5-266(a)(M-6.2). All in-lieu fees shall be deposited into the affordable housing trust fund and spent solely for the purposes allowed for that fund. The developer, along with any corresponding in-lieu fees, shall transfer to the county ownership of the associated ROGO-exempt development rights for any affordable unit(s) required by this section for which the in-lieu fee option is used.
- b. *Land Donation.* Upon the acceptance of the board of county commissioners of a proposed onsite or offsite parcel (or parcels), a developer may satisfy the requirements of this subsection 9.5-4 (M-6.2) by donating to the county, or other agency or not-for-profit organization

approved by the board, one (1) IS or URM lot for each unit required but not provided through actual construction or in-lieu fees (or a parcel or parcels of land zoned other than IS or URM as long as the donated parcel(s) will support the development of an appropriate number of affordable units). Lots or other parcels so provided shall not be subject to environmental or other constraints that would prohibit immediate construction of affordable housing units. The developer, along with any corresponding donated parcel(s), shall transfer to the county ownership of the associated ROGO allocations or ROGO-exempt development rights for any affordable unit(s) required under this section.

(5) *Applicable standards.*

a. **Incentives.** All incentives and bonuses provided by the land development and other regulations for the construction of affordable housing shall be available to builders of affordable housing provided pursuant to this subsection (b) including, but not limited to, density and floor area ratio bonuses, residential ROGO allocation set asides and points, and impact fee waivers.

b. **Developer financial responsibility.**

1. If a developer does not elect to meet the requirements of (b)(2) through alternative compliance as set forth in (b)(4), or obtain approval for an adjustment to, a partial exemption from or a waiver of strict compliance pursuant to (b)(3), the developer must post a bond equivalent to 110% of the in-lieu fees that otherwise would have been required through the in-lieu alternative compliance option prior to the issuance of a building permit for any market rate units. The county shall retain any bond money or guaranties in escrow until the affordable housing is completed, or for a period of three (3) years, whichever comes first. Upon the issuance of certificates of occupancy for the affordable housing units, the county shall release to the developer any bonds or guaranties relating to the portion of the inclusionary housing requirement satisfied. If the developer has not satisfied the requirements of this section by completing the required affordable housing units within three (3) years, all or the corresponding portion of the bond funds shall be forfeited to the affordable housing trust fund.
2. If the applicant elects to pursue alternative compliance as set forth in (b)(4), any in-lieu fees must be paid or parcel(s) donated prior to the issuance of a building permit for any market rate unit.

- c. **Standards.** Affordable housing provided pursuant to subsection (b)(2) shall comply with the standards set forth below and applications for development projects subject to these requirements and developers and property owners shall provide to the county information and necessary legal assurances to demonstrate current and continued compliance with these provisions, consistent with the applicable enforcement mechanisms set forth in section 9.5-266 (f), as amended or supplemented from time to time. The county may institute any appropriate legal action necessary to ensure compliance with this subsection.
1. affordable housing units required pursuant to subsection (b)(2) are restricted to sales prices and annual rental amounts for households that shall not exceed the adjusted gross annual income limits for moderate-income owner-occupied or rental housing, as defined in section 9.5-4 (A-5); and
 2. affordable housing units may be sold or rented only to persons whose total household income does not exceed the adjusted gross annual income limits for moderate-income as defined in section 9.5-4 (A-5); and
 3. except as specifically provided otherwise herein, affordable housing dwelling units are restricted for a period of at least thirty (30) [fifty (50)] [ninety-nine (99)] years to households that meet the requirements of 2. above; and
 4. affordable housing units provided pursuant to subsection (b)(2) may be provided on-site, off-site or through linkage with another off-site project as provided in section 9.5-266 (c); and
 5. except for properties designated IS-D, UR, URM or URM-L, affordable housing units built off-site shall not be built on lands that qualify for negative points under section 9.5-122.3(a)(7), (8) or (9); and
 6. affordable housing units may not be used for tourist housing or vacation rental use; and
 7. affordable units provided pursuant to subsection (b)(2) shall contain at least seven hundred fifty (750) [seven hundred (700)] square feet of habitable floor area; and
 8. during occupancy of any affordable housing rental unit, not otherwise limited by state or federal statute or rule concerning household income, a lessee household's annual income may increase to an amount not to exceed one hundred forty (140)

percent of the median household income for the county, to be annually verified. If the income of the lessee household exceeds this amount, the occupancy shall terminate at the end of the existing lease term. The maximum lease for any term shall be three (3) years or thirty-six (36) months; and

9. when determining eligibility criteria, the county shall assume family size as indicated in the table set forth in section 266(a)(6)(j) above. That table shall not be used to establish the maximum number of individuals who actually live in the unit, but shall be used in conjunction with the eligibility requirements created by section 9.5-4 (A-5); and
10. the income of eligible households shall be determined by counting only the first and highest paid forty (40) hours of employment per week of each unrelated adult. For a household containing adults related by marriage or a domestic partnership registered with the county, only the highest sixty (60) hours of the combined employment hours shall be counted, which shall be considered to be seventy-five (75) percent of the adjusted gross income. The income of dependents regardless of age shall not be counted in calculating a household's income.
11. the county will not issue certificates of occupancy for market rate units associated with development or redevelopment projects subject to the provisions of subsection (b) unless and until certificates of occupancy have been issued for required affordable housing units, lot donations are complete, or in-lieu fees have been paid as provided herein.

(7) *Monitoring and review.* The requirements of this subsection (b) shall be monitored to ensure effective and equitable application. Every two years following the effective date of this ordinance, the planning director shall provide to the board of county commissioners a report describing the impact of this subsection on the provision of affordable housing and other market or socioeconomic conditions influencing or being influenced by these requirements. Issues such as affordability thresholds, inclusionary requirements, and the impacts of these provisions on the affordable housing inventory and housing needs in the county shall be addressed, in addition to other matters deemed relevant by the director.

Section 7.

Amend Section 9.5-266(d) and (e) as follows:

Sec. 9.5-266. Affordable and employee housing; administration.

(d) *Affordable housing trust fund.* The affordable housing trust fund (referred to as the "trust fund") is established. The trust fund shall be maintained with funds earmarked for the purposes of furthering affordable housing initiatives in municipalities and unincorporated areas of Monroe County. Monies deposited into the trust fund shall not be commingled with general operating funds of the county. The trust fund shall be used only for the following:

- (1) Financial aid to developers as project grants for affordable housing construction;
- (2) Financial aid to homebuyers as mortgage assistance, including but not limited to loans or grants for down payment assistance;
- (3) Financial incentives for the conversion of transient units to affordable residential units;
- (4) Direct investment in or leveraging housing affordability through site acquisition, housing development and housing conservation; or
- (5) Other affordable housing purposes as may be established by resolution of the board of county commissioners, which shall act as trustees for the fund. The board of county commissioners may enter into agreements or make grants relating to the use of trust funds with or to the Monroe County Housing Authority or other local government land or housing departments or agencies, a qualified community housing development organization or non-profit or for-profit developer of affordable or employee housing, or a municipality within Monroe County.

(e) **Community housing development organization.** The board of county commissioners may establish a nonprofit community housing development organization (CHDO), pursuant to federal regulations governing such organizations, to serve as developer of affordable housing units on county-owned property, including or located in the municipalities of the county, upon interlocal agreement. In such event, the county may delegate to the community housing development organization all or partial administration of the affordable housing trust fund.

Section 8. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 9. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

Section 10. Transmittal

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes and as required by F.S. 380.05(6) and (11).

Section 11. Filing

This ordinance shall be filed in the Office of the Secretary of State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 12. Effective Date.

This ordinance shall become effective as stated above and provided by law. Where Comprehensive Plan amendments may be required in order for any part of this ordinance to be deemed consistent with the Comprehensive Plan, the effective date of such part shall be as of the effective date of the required Comprehensive Plan amendment and as otherwise required by law.

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PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, 2006.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Murray Nelson	_____
Commissioner Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk

APPROVED AS TO FORM:

County Attorney



Jerry Coleman, Esq.
John C. Rockwell, Esq. (FL only)
Email: jerrycolemanpl@bellsouth.net
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MEMORANDUM (STAFF REPORT)

TO: Monroe County Board of County Commissioners

FROM: Jerry Coleman

DATE: April 4, 2006

MEETING DATE: April 19, 2006

RE: AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS TO REVISE SECTIONS 9.5-4 AND 9.5-266 REGARDING INCLUSIONARY HOUSING REQUIREMENTS; PROVIDING FOR REGULATIONS REGARDING MULTI-UNIT DEVELOPMENT AND REDEVELOPMENT AND MOBILE HOME CONVERSIONS; AMENDING DEFINITIONS

I. BACKGROUND

This memorandum/staff report draws from the version of the above referenced amended ordinance scheduled to be presented to the Monroe County Planning Commission at its regularly scheduled meeting on April 12, 2006 in Marathon. The term "staff" as used herein means the author. These amendments were discussed at the Development Review Committee meeting on June 9, 2005, and at Planning Commission hearings on June 22, 2005, July 13 and July 27, 2005, September 14 and September 28, 2005, October 2, 2005, December 7 and December 20, 2005, January 11 and January 25, 2006, February 8 and February 22, 2006, and March 22, 2006 at the Planning Commission meeting in Key Largo. These amendments were also discussed at a Workforce Housing Task Force meeting with the Planning Commission held on March 8, 2006.

The Board of County Commissioners (BOCC) at a regular meeting on January 19, 2005 directed Growth Management staff to prepare an ordinance deferring redevelopment applications or issuance of development orders and development permits within unincorporated Monroe County for the redevelopment and conversion of multifamily rental housing and/or mobile home parks to any other use, except for the siting of replacement mobile homes pursuant to Sec. 723.041(4), Fla. Stat., while staff prepares amendments to the 2010 Comprehensive Plan and the Land Development Regulations (LDRs). Resolution No. 320-2005 was adopted as a Zoning in Progress on August 17, 2005.

The proposed ordinance is the result of the BOCC's requests. Planning Staff previously reported to the Planning Commission that, with assistance from consultants White and Smith, LLC, it had incorporated the results of *Housing Trends in Incorporated and Unincorporated Monroe County* and further studies by James Nicholas, Professor of Urban and Regional Planning and Law at the University of Florida, to create initial versions of the proposed ordinance. The proposed ordinance establishes an inclusionary housing standard and amends the definition of affordable housing trust fund (Sec. 9.5-4 (A-5)(j)).

Planning Staff has reported to the Planning Commission that, according to *Housing Trends in Incorporated and Unincorporated Monroe County*, Monroe County experienced an increase in the sales price of single family homes from 145% to 195% between the years of 2000 to 2005. During that same time period, median household income increased by less than 19%.

Further Planning Staff research indicated the following: Mobile homes currently represent the least expensive housing type. In 2005, the median sales price of a non-waterfront mobile home was \$216,784. Approximately 42% of non-waterfront mobile homes were valued at prices accessible to median income residents. The data indicates that the number of cost burdened households in need of affordable housing is approximately 7,300. To put that number in perspective, Planning Staff reported that if all 255 annual building permits were developed as affordable housing, it would take 28 years to achieve a balance of affordable housing in the County.

The proposed inclusionary housing standards and trust fund together will require new residential projects and mobile home redevelopments to mitigate negative development impacts by requiring a percentage of the redeveloped housing to remain affordable. The ordinance provides developers and property owners, according to stated standards, with opportunities for exemptions and waivers from strict application of the ordinance.

II. SUMMARY

1. The purpose of the inclusionary requirements is to ensure that the need for affordable housing is not exacerbated by residential development and redevelopment and conversions of multi-unit housing, mobile home parks and mobile home spaces to new uses.
2. The ordinance proposes to amend Sec. 9.5-4(A-5) to add (m) as follows:
 - m) *Inclusionary housing* shall mean the resulting affordable and/or employee housing created or preserved with the development and/or redevelopment of a parcel or parcels where provisions of approved development agreements or orders implement and promote affordable and/or employee housing goals, objectives and policies contained in the Plan by requiring set-asides for affordable and/or employee housing units.
3. Inclusionary requirements shall apply to the following developments:

- a. Residential development that results in the creation or redevelopment of three (3) or more units shall be required to develop at least thirty (30) percent of the residential units as affordable housing.
 - b. The conversion of ten (10) or more mobile homes into a use other than mobile homes shall be required to retain at least thirty (30) percent of the existing units as affordable housing or, in the event the new use is nonresidential, to develop affordable housing units at least equal in number to thirty (30) percent of the number of mobile homes being converted from mobile home use.
4. The Board may reduce, adjust, or waive strict compliance with inclusionary requirements based on particular circumstances facing a property owner or developer.
5. Alternative compliance options are also established, including in-lieu fees and an option to donate land for each affordable housing unit otherwise required.
6. Per unit in-lieu fees shall be the current maximum sales price for a one-bedroom affordable unit as established under Sec. 9.5-4 (M-6.2).
7. All in-lieu fees shall be deposited into the affordable housing trust fund.

III. FINDINGS OF FACT

1. Staff finds the amendments to be consistent with the goals, objectives, and policies of the Monroe County Year 2010 Comprehensive Plan.
2. Particularly, Staff finds the amendments to be consistent with Objective 601.3 of the 2010 Comprehensive Plan which directs the County to implement efforts to eliminate substandard housing and to *preserve, conserve and enhance the existing housing stock*.
3. Staff finds the amendments to be consistent with Policy 601.1.12, as well as Objectives 601.2 and 601.6.
4. Staff finds the proposed amendments to be consistent with Chapter 380.0552 (7) F.S., "Principals for Guiding Development" which requires the County to conduct programs and regulatory activities to *(j) make available adequate affordable housing for all sectors of the population of the Florida Keys*.
5. Staff finds the amendments to be consistent with F.A.C. Chapters 9J-5, Florida Statutes, Chapter 163, and The Principles for Guiding Development.

IV. PROPOSED TEXT CHANGE

Please see attached ordinance.

V. RECOMMENDED ACTION

Based on the Findings and the recommendations of Planning Staff, Workforce Housing Task Force counsel and the Planning Commission, staff recommends **APPROVAL** to the Monroe County Board of County Commissioners of the proposed text changes to Sections 9.5-266 and 9.5-4 of the Monroe County Land Development Regulations.